UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,125	03/30/2001	Hernan G. Otero	21710-68378	6818

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EXAMINER
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ART UNIT	PAPER NUMBER
3692	

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 August 2006*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6 and 8-14* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6 and 8-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

In the amendment filed on 08/07/06, the following have occurred: claims 1 and 6 have

been amended. Claims 1-6 and 8-14 are pending, and claims 1-6 and 8-14 stand

rejected in this office action.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   **Claims 1-2, 3, 5 and 8-14** are rejected under 35 U.S.C 102(e) as being

anticipated by Kane (U.S. Patent 6,317,728).

Re claim 1: Kane discloses a method for computerized trading comprising:

-   A human being using a graphical user interface to enter parameters for a trading

    algorithm to input a trading order into a logic engine (i.e., decision logic, see

    abstract, also see " WealthBuilder also allows customer override and entry of

    trading commands", col.8 lines 20-36).

-   using a first plug-in (i.e., agent) in said logic engine for implementing the trading

    algorithm (see col. 5, lines 5-10).

-   inputting data for said order into said logic engine (see abstract).

-   processing the order with said logic engine, using said plug-in (see abstract).

- executing said order (see abstract)

- said human being monitoring said order in real time by using said graphical user
interface (i.e., WealthBuilder also provides a real time internet client allowing users
to monitor trade execution and position values held so that a customer can feel
connected to the trading environment. The computer makes the decisions but can
be monitored remotely, see col.8 lines 20-35).

Re claims 2 and 3: Kane discloses a method wherein the step of inputting a trading
order into a logic engine further comprises inputting an order through an ordering
system (i.e., data acquisition system, see abstract).

Re claim 5: Kane discloses a method wherein the step of executing said order further
comprises outputting said order through an ordering system (col. 3, lines 34-36).

Re claim 8: Kane discloses an apparatus for computerized trading comprising:

- a logic engine for processing trading orders (see abstract);

an interface to said logic engine to receive from a human being parameters for a trading
algorithm(data channel, see fig 1, elements 12, 13) and to allow the human being to
monitor said order in real time (i.e., WealthBuilder also provides a real time internet
client allowing users to monitor trade execution and position values held so that a
customer can feel connected to the trading environment. The computer makes the
decisions but can be monitored remotely, see col.8 lines 20-35).

- a first plug-in (i.e., agent) in said logic engine (i.e., decision logic) for implementing the
trading algorithm (see col. 5, lines 5-10). Whereby said logic engine processes order
received via said interface (see col. 5, lines 2-11); wherein said logic engine, said

interface and said first plug-in are software recorded on a computer-readable medium and capable of execution by a computer.

Re claim 9: Kane discloses an apparatus for computerized trading comprising:

- a logic engine (i.e., decision logic) for processing trading orders (see abstract);

- a first interface (i.e., input) to said logic engine for processing orders from a human being parameters for a trading algorithm (i.e., each decision agents representing a respective buy and a respective sell rule, see abstract) and to allow the human being to monitor said order in real time (i.e., WealthBuilder also provides a real time internet client allowing users to monitor trade execution and position values held so that a customer can feel connected to the trading environment. The computer makes the decisions but can be monitored remotely, see col.8 lines 20-35).

- a second interface (i.e., input) to said logic engine for processing orders (see abstract)

- a first plug-in (i.e., agent) in said logic engine for implementing the trading algorithm (col. 5, lines 5-10). Whereby said logic engine processes orders received via either of said first and second interfaces (see col. 5, lines 2-8, also see abstract); wherein said logic engine, said first interface and said second interface, and said first plug-in are software recorded on a computer-readable medium and capable of execution by a computer.

Re claim 10: Kane discloses an apparatus wherein said first interface further comprises an Input driver (i.e., agent, see col. 15, lines 5-15).

Re claim 11: Kane discloses an apparatus wherein said second interface further

comprises an exchange driver (i.e., agent, see col. 15, lines 5-15).

Re claim 12: Kane discloses an apparatus wherein said first interface (i.e., input)

further comprises an interface to an ordering system (see abstract).

Re claim 13: Kane discloses an apparatus wherein said second interface (i.e., input)

further comprises an interface to an ordering system (see abstract).

Re claim 14: Kane further discloses an apparatus wherein said logic engine further

comprises a Core Processing Area (i.e., central processing unit, see col. 5, lines 5-10).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
>
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
>
> the prior art are such that the subject matter as a whole would have been obvious at the time the
>
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
>
> Patentability shall not be negatived by the manner in which the invention was made.

4.   **Claims 4, 6** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kane (U.S. Patent 6,317,728) in view of Microsoft Computer Dictionary (MCD

hereinafter: Microsoft Computer Dictionary 5th edition, page 345).

Re claim 4: Kane discloses a method for computerized trading comprising: the steps of

processing trading orders (see abstract). Kane does not explicitly disclose a step of de-

constructing said Complex Order into at least one event and action. However, the

method of deconstructing complex order into event/action is old and well known and it a

well-taught modular design method in object-oriented modular programming (see

Microsoft computer dictionary 5th edition, page 345). Therefore, it would have been

obvious to one of ordinary skill in the art to implement this well-taught modular design

method in Kane to allow programmers to debug and recover very quickly from program

crashes.

Re claim 6: Kane discloses a method for computerized trading comprising:

- A human being using a graphical user interface to enter parameters for a trading

algorithm to input a ComplexOrder into a logic engine through an ordering system.

-using a first plug-in (i.e., agent) in said logic engine for implementing the trading

algorithm (see col. 5, lines 5-10).

-inputting data for said order into said logic engine (see abstract).

-Kane discloses a method wherein the step of executing said order further comprises

outputting said order through an ordering system (col. 3, lines 34-36).

-said human being monitoring said order in real time by using said graphical user

interface to enter (i.e., WealthBuilder also provides a real time internet client allowing

users to monitor trade execution and position values held so that a customer can feel

connected to the trading environment. The computer makes the decisions but can be

monitored remotely, see col.8 lines 20-35). However, Kane does not explicitly teach the

step of deconstructing said complex order into events and actions. The method of

deconstructing complex order into event/action is a well-taught modular design in

object-oriented modular programming (see Microsoft computer dictionary 5th edition,

page 345). Therefore, it would have been obvious to one of ordinary skill in the art to

implement this well-taught modular design method in Kane to allow programmers to

debug and recover very quickly from program crashes.

Response to Arguments

. 5.   Applicant's arguments filed 08/07/06 have been fully considered but they are not

persuasive. In the remarks, the applicant argues in substance that Kane fails to

disclose a human being using a graphical user interface to enter parameters for a

trading algorithm and the monitoring of said system. Contrary to the applicant's

assertion, Kane explicitly discloses Wealthbuilder application which allows customers

to override and enter trading commands (entry parameters for a trading), and provides

a single screen (i.e., graphical user interface) for quote and position information

(please see Kane for "WealthBuilder also provides a real time internet client allowing

users to monitor trade execution and position values held so that a customer can feel

connected to the trading environment. The computer makes the decisions but can be

monitored remotely. WealthBuilder also allows customer override and entry of trading

commands, and provides a single screen for quote and position information, see col.8

lines 20-35).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

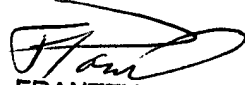MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to OJO O. OYEBISI whose telephone number is (571)

272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, RICHARD E. CHILCOT can be reached on (571)272-6777. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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FRANTZY POINVIL
PRIMARY EXAMINER